



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On November 16, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]
Anna C. Kundel

PATENT
Docket No.: 02307V-139100US
Client Ref. No.: B03-091

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Haichao LIU, et al.

Application No.: 10/663,299

Filed: September 15, 2003

For: PROCESS AND CATALYSTS FOR
THE OXIDATION OF METHANOL
AND/OR ETHANOL

Examiner: Puttlitz

Art Unit: 1621

PETITION TO EXPUNGE DOCUMENTS
UNDER §1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned counsel for Assignee hereby petitions to have the following documents expunged from U.S. Application Serial No. 10/633,299:

1. Response to Election/Restriction Filed 05/02/2005 (2 pgs.); and
2. Information Disclosure Statement (IDS) Filed 03-15-2004 (5 pgs.) and 18 non-patent references.

The above referenced documents were erroneously filed in this application. More specifically, the undersigned counsel submitted the documents in good faith for U.S. Serial No. 10/663,299, but mistakenly listed the application serial number

as 10/633,299, rather than 10/663,299 on the documents. As a result of this clerical error, the documents were placed in the file history of the wrong file.

In furtherance of this assertion, the undersigned refers to the submitted documents, copies of which are attached hereto for your convenience. As can be seen on both the Response and IDS, the correct Inventor, Filing Date, Title, Examiner and Art Unit are listed on the documents as shown below:

Inventor: Haichao LIU, et al.
Filing Date: September 15, 2003
Title: PROCESS AND CATALYSTS FOR THE OXIDATION
OF METHANOL AND/OR ETHANOL
Examiner: Karl J. Puttlitz
Art Unit: 1621

The application data for U.S. Application Serial No. 10/633,299, is clearly different than above application data:

Inventor: Asaf Govari, Haifa
Filing Date: August 1, 2003
Title: CALIBRATION DATA COMPRESSION
Examiner: James M. Kish
Art Unit: 3737


CONCLUSION

In view of the foregoing, the undersigned asserts that the Response and IDS were filed with the wrong application serial number without any deceptive intent and should be expunged from U.S. Application No. 10/633,299, as they clearly are not related to that application and were placed in the file in error. The undersigned is filing the subject petition immediately after learning of said error.

Please deduct the processing fee of \$400.00, pursuant to 37 C.F.R. §1.17(f), from Deposit Account No. 20-1430 of the undersigned, and charge any additional fees or credit overpayment to the above Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



M. Henry Henes
Reg. No. 28,219

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
MHH:ack



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/633,299

Filing Date

September 15, 2003

First Named Inventor

Liu, Haichao

Art Unit

1621

Examiner Name

Puttlitz

Attorney Docket Number

02307V-139100US

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☒

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/ Incomplete Application

☐

Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify below):

☐

Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Joel G. Ackerman

Date

4/29/05

Reg. No.

24,307

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

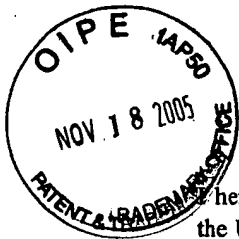
Signature

Typed or printed name

~~Lois M. Simon~~ Anna C. Kundel

Date

4/29/05



CERTIFICATE OF MAILING

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 29, 2005.

PATENT
Docket No.: 02307V-139100US
Client Ref. No.: B03-091

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lois M. Simon

Anne C. Kundel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Haichao LIU, et al.

Application No.: 10/633,299

Filed: September 15, 2003

For: PROCESS AND CATALYSTS FOR
THE OXIDATION OF METHANOL
AND/OR ETHANOL

Examiner: Karl J. Puttlitz

Art Unit: 1621

RESPONSE: ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

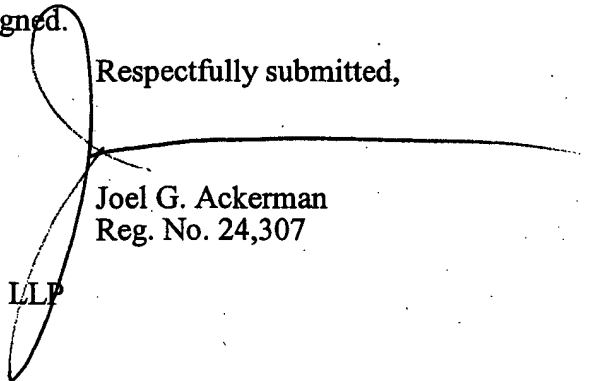
Sir:

In response to the Requirement for Restriction dated March 29, 2005,

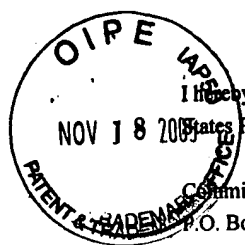
Applicants hereby elect to prosecute the claims of Group I.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,


Joel G. Ackerman
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JA:ja
60477624 v1



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Attorney Docket No.: 02307V-139100US
Client Reference No.: B03-091

On March 12, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

Mark T. Davis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Haichao LIU, et al.

Application No.: 10/633,299

Filed: September 15, 2003

For: PROCESS AND CATALYSTS FOR
THE OXIDATION OF METHANOL
AND/OR ETHANOL

Examiner: Not Yet Assigned

Art Unit: 1621

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
JGA:mtd
60162307 v1



Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete If Known		
			Application Number	10/633,299	
			Filing Date	September 15, 2003	
			First Named Inventor	Liu, Haichao	
			Art Unit	1621	
			Examiner Name	Not Yet Assigned	
Sheet	1	of		Attorney Docket Number	02307V-139100US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	AA	US-4,149,009	04-10-1979	Yoneoka et al.	
	AB	US-4,216,339	08-05-1980	Couteau et al.	
	AC	US-4,232,171	11-04-1980	Yoneoka et al.	
	AD	US-4,319,037	03-09-1982	Yoneoka	
	AE	US-4,480,122	10-30-1984	Horlenko et al.	
	AF	US-4,613,411	09-23-1988	Hsu et al.	
	AG	US-4,778,923	10-18-1988	Aplin et al.	
	AH	US-4,994,603	02-19-1991	Mueller et al.	
	AI	US-5,026,904	06-25-1991	Lodge et al.	
	AJ	US-5,144,062	09-01-1992	Chen et al.	
	AK	US-5,194,675	03-16-1993	Joerg et al.	
	AL	US-5,223,102	06-29-1993	Fedkiw, Jr. et al.	
	AM	US-5,399,745	03-21-1995	Yoneoka et al.	
	AN	US-5,401,873	03-28-1995	Zehner et al.	
	AO	US-5,770,761	06-23-1998	Lin et al.	
	AP	US-5,840,971	11-24-1998	Gubelmann-Bonneau	
	AQ	US-5,917,085	06-29-1999	Lippert et al.	
	AR	US-6,008,399	12-28-1999	Chang et al.	
	AS	US-6,015,875	01-18-2000	Smith, Jr. et al.	
	AT	US-6,232,490 B1	05-15-2001	Patois et al.	
	AU	6,379,507 B1	04-30-2002	Satoh et al.	
	AV	6,399,812 B1	06-04-2002	Yan et al.	
	AW	6,447,745 B1	09-10-2002	Feeley et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

60162307 v1

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/633,299	
			Filing Date	September 15, 2003	
			First Named Inventor	Liu, Haichao	
			Art Unit	1621	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	Attorney Docket Number		02307V-139100US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	AX	AI, Mamoru; "The Production of Methyl Formate by the Vapor-Phase Oxidation of Methanol"; <u>Journal of Catalysis</u> 1982, Vol. 77, pp. 279-288.		
	AY	HASAN, Masihul et al.; "Oxidation of primary alcohols to aldehydes with oxygen catalysed by tetra-n-propylammonium permethenate"; <u>Journal of Molecular Catalysis</u> 2002, Vol. 180, pp. 77-84.		
	AZ	JI, Hong-Bing et al.; "Environmentally friendly alcohol oxidation using heterogeneous catalyst in the presence of air at room temperature"; <u>Catalysis Communications</u> 2002, Vol. 3, pp. 511-517.		
	BA	KAKIUCHI, Nobuyuki et al.; "Pd(II)-Hydrotalcite-Catalyzed Oxidation of Alcohols to Aldehydes and Ketones Using Atmospheric Pressure of Air"; <u>J. Org. Chem.</u> 2001, Vol. 66, pp. 6620-6625.		
	BB	LIU, Haichao et al.; "Synthesis of methylformate, dimethoxymethane, formaldehyde, and their mixtures via selective oxidation of methanol on RuO _x -based catalysts"; <u>Department of Chemical Engineering, University of California at Berkeley</u> .		
	BC	LOUIS, Catherine et al.; "Catalytic Properties of Silica-Supported Molybdenum Catalysts in Methanol Oxidation: The Influence of Molybdenum Dispersion"; <u>Journal of Catalysis</u> 1998, Vol. 109, pp. 354-366.		
	BD	MALLAT, T. et al.; "Oxidation of alcohols with molecular oxygen on platinum metal catalysts in aqueous solutions"; <u>Catalysis Today</u> 1994, Vol. 19, pp. 247-284.		
	BE	MATSUMOTO, Masakatsu et al.; "Oxidation of Allylic Alcohols to Unsaturated Carbonyl Compounds by Ruthenium Dioxide and Dioxygen/Ruthenium Dioxide"; <u>J. Org. Chem.</u> 1984, Vol. 49, pp. 3435-3436.		
	BF	MATSUSHITA, Tsuyoshi et al.; "Highly efficient oxidation of alcohols and aromatic compounds catalysed by the Ru-Co-Al hydrotalcite in the presence of molecular oxygen"; <u>Chem. Commun.</u> 1999, pp. 265-266.		
	BG	MUSAWIR, Mehdi et al.; "Highly efficient liquid-phase oxidation of primary alcohols to aldehydes with oxygen catalysed by Ru-Co oxide"; <u>Chem. Commun.</u> 2003, pp. 1414-1415.		
	BH	POULSTON, S. et al.; "Aerobic Oxidation of Alcohols with Palladium-Hydrotalcite"; <u>Platinum Metals Rev.</u> 2002, Vol. 46, No. 1, pp. 26.		
	BI	STUCHINSKAYA, Tatiana L. et al.; "Liquid-phase oxidation of alcohols with oxygen catalysed by modified palladium(II) oxide"; <u>Catalysis Communications</u> 2003, Vol. 4, pp. 417-422.		
	BJ	TRONCONI, Enrico et al.; "Methyl Formate from Methanol Oxidation over Coprecipitated V-Ti-O Catalysts"; <u>Ind. Eng. Chem. Res.</u> 1987, Vol. 26, pp. 1269-1275.		
	BK	VALENTE, N. Graciela et al.; "Structure and activity of Sn-Mo-O catalysts: partial oxidation of methanol"; <u>Applied Catalysis</u> 2001, Vol. 205, pp. 201-214.		
	BL	YAMAGUCHI, Kazuya et al.; "Creation of a Monomeric Ru Species on the Surface of Hydroxyapatite as an Efficient Heterogeneous Catalyst for Aerobic Alcohol Oxidation"; <u>J. Am. Chem. Soc.</u> 2000, Vol. 122, pp. 7144-7145.		
	BM	YAMAGUCHI, Kazuya et al.; "Supported Ruthenium Catalyst for the Heterogeneous Oxidation of Alcohols with Molecular Oxygen"; <u>Angew. Chem. Int. Ed.</u> 2002, Vol. 41, No. 23, pp. 4538-4542.		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

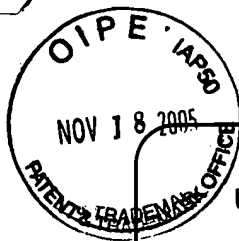
Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				<i>Application Number</i>	10/633,299
				<i>Filing Date</i>	September 15, 2003
				<i>First Named Inventor</i>	Liu, Haichao
				<i>Art Unit</i>	1621
				<i>Examiner Name</i>	Not Yet Assigned
Sheet	3	of		<i>Attorney Docket Number</i>	02307V-139100US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BN	YAMAGUCHI, Kazuya et al.; "Efficient Heterogeneous Aerobic Oxidation of Amines by a Supported Ruthenium Catalyst"; <u>Angew. Chem. Int. Ed.</u> 2003, Vol. 42, pp. 1480-1483.	
	BO	ZHAN, Bi-Zeng et al.; "Zeolite-Confined Nano-RuO ₂ : A Green, Selective, and Efficient Catalyst for Aerobic Alcohol Oxidation"; <u>J. Am. Chem. Soc.</u> 2003, Vol. 125, pp. 2195-2199.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

**PETITION FEE**
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/663,299
Filing Date	September 15, 2003
First Named Inventor	Liu, Haichao
Art Unit	1621
Examiner Name	Puttlitz
Attorney Docket Number	02307V-139100US

Enclosed is a petition filed under 37 CFR §1.183 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see or PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 20-1430 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- ✓ § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

SignatureM. Henry Heines

Typed or printed name

Date28,219

Registration No., if applicable